

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

This matter comes before the Court on Defendants Westgate Resorts, Ltd., Westgate Resorts, LLC, and Westgate Resorts, Inc.’s third Motion for Extension of Time (#16), filed on January 28, 2014. Westgate seeks an extension until February 18, 2014 to file an answer or responsive pleading to Plaintiff’s Complaint (#1). An answer was previously due on January 29, 2014. *See January 23, 2014 Order, Doc. #15.* Westgate represents that it obtained the consent of Plaintiff’s recently-replaced counsel to extend the response deadline, but has been unable to contact Plaintiff’s new counsel. The Court finds that Westgate establishes good cause for an extension.

The Court notes that Westgate filed its Motion *ex parte*. An *ex parte* motion or application is one that is filed with the Court, but is not served upon the opposing or other parties. *See Local Rule 7-5(a)*. All *ex parte* motions must contain a statement showing good cause why the matter was submitted to the Court without notice to all parties. *See Local Rule 7-5(b)*. *Ex parte* and emergency motions are distinct. Motions may be submitted *ex parte* only for compelling reasons, and not for emergency motions. *See Local Rule 7-5(b)* Emergency motions must be so titled, must state the nature of the emergency, and must certify that good-faith efforts were made to resolve the dispute without Court action. *See Local Rule 7-5(d)(1)-(3)*. Westgate is instructed to adhere to the different rules governing these distinct motions in further filings with the Court. Accordingly,

**IT IS HEREBY ORDERED** that Defendants Westgate Resorts, Ltd., Westgate Resorts, LLC, and Westgate Resorts, Inc.'s third Motion for Extension of Time (#16) is **granted**.

**IT IS FURTHER ORDERED** that Defendants Westgate Resorts, Ltd., Westgate Resorts, LLC, and Westgate Resorts, Inc. shall file an answer or responsive pleading to Plaintiff's Complaint on or before February 18, 2014.

DATED this 3rd day of February, 2014.

*George Foley Jr.*  
GEORGE FOLEY, JR.  
United States Magistrate Judge